

House Bill 205

By: Representative Smith of the 113<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia  
2 Annotated, relating to general authority, duties, and procedures relating to state purchasing,  
3 so as to revise certain provisions relating to goods and services to be obtained from  
4 correctional industries when certified as available; to provide for marketization of ancillary  
5 services performed by certain government entities; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated,  
10 relating to general authority, duties, and procedures relating to state purchasing, is amended  
11 by revising Code Section 50-5-73, relating to goods and services to be obtained from  
12 correctional industries when certified as available, as follows:

13 "50-5-73.

14 (a)(1) All services provided or goods, wares, or merchandise produced wholly or in part  
15 by the Georgia Correctional Industries Administration and needed by the departments,  
16 institutions, and agencies of the state and its political subdivisions supported wholly or  
17 in part by public funds shall be obtained from the Georgia Correctional Industries  
18 Administration where such services, goods, wares, or merchandise have been certified  
19 in writing by the commissioner of corrections as available and of competitive quality and  
20 price.

21 (2) Where not certified as available from the Georgia Correctional Industries  
22 Administration, services, goods, wares, or merchandise shall be obtained from other  
23 agencies or activities of the state which are legally authorized to engage in the provision  
24 of such and have certified the availability with the advice and consent of the Department  
25 of Administrative Services.

(3) Each department, institution, and agency of the state and each political subdivision of the state shall identify those functions that relate to its respective core mission as distinguished from those functions that are merely ancillary to its central purposes and policy concerns. Except as otherwise provided by paragraphs (1) and (2) of this subsection, and to the extent feasible and without increasing cost or sacrificing quality, such department, institution, or agency of the state or political subdivision shall contract with private vendors for the performance of such ancillary functions, including the provision of services, goods, wares, or merchandise, when market competition exists. There shall be a rebuttable presumption that market competition exists as to the relevant services, goods, wares, or merchandise whenever two or more private firms advertise the same for sale to the general public in a generally available commercial telephone directory for the location in which such ancillary functions are to be performed.

(b) The Georgia Correctional Industries Administration and the commissioner of corrections shall report to the Department of Administrative Services the certification criteria, including but not limited to cost, delivery schedules, and availability within 15 days of notice of certification.

(c) The Georgia Correctional Industries Administration shall notify the Department of Administrative Services of any changes to certified products or services available pursuant to this Code section within 15 days of any such changes."

## SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.